IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4103 of 1992

For Approval and Signature:

HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOSWAMY REVABEN RATUGAR - Petitioner
Versus
STATE OF GUJARAT & 2 - Respondents

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Appearance :
MR MB PARIKH for Petitioner: 1,
MR KJ DWIVEDI ASST GOVERNMENT PLEADER for Respondents : 1, 3,
MR HS MUNSHAW for Respondents : 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT

Date : 26/07/2007

ORAL JUDGMENT

1. Heard learned counsel Shri Parikh for the petitioner.

2. The petitioner has approached this Court under Article 226 of the Constitution of India interalia praying that the respondents be directed to reinstate the petitioner as her services has been ended without hearing her. Annexure – A is the order dated 3.3.1992, wherein, she has been discharged as economic measures was warranting such discharge. The affidavit-in-reply is filed by the respondent No. 3.

3. It deserves to be noted that as the petitioner was not regularly appointed, she did not have any right and the order of discharge was required to be passed on account of implementation of economic measures. Counsel for the petitioner has submitted that the petitioner has attained the age of superannuation long back. In view of this, the order impugned in this petition does not require to be interfered.

4. The petitioner had already preferred a petition being Special Civil Application No. 994 of 1988 for regularization, which was dismissed for want of prosecution by this Hon'ble Court (Coram: N.J.Pandya, J.) (as he then was) vide order dated 14.2.1991. Thereafter, the petitioner had not made any efforts to restore the same and accordingly, the said matter is disposed of. Shri Parikh has submitted that dismissal of that petition for want of prosecution may not come in

way of the applicant. Be that as it may.

5. This Court is unable to agree with the submission of Shri Parikh as the termination order is passed long back and as per the submission of Shri Parikh, petitioner has already attained the age of superannuation. In any event, the dismissal is not passed by way of penalty and as she had not been appointed on regular basis, the order of discharge simplicitor for want of implementation of economic measures need not to be interfered at this stage.

6. In view of this, the petition deserves to be dismissed and is accordingly dismissed. Rule is discharged. There shall be no order as to costs.

(S.R.BRAHMBHATT, J.)

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